

Planning Commission Minutes
August 10, 2023

(The agenda was filed with the City Clerk of The City of Oklahoma City at 8:00 a.m. on August 7, 2023)

4. (SPUD-1546) Application by Fischkopp, LLC to rezone 2801 North Hudson Avenue from R-2 Medium-Low Density Residential, HL Historic Landmark Overlay, and UC Urban Conservation Districts to SPUD-1546 Simplified Planned Unit Development, HL Historic Landmark Overlay, and UC Urban Conservation Districts. Ward 2.

The applicant was present. There were no protestors present.

RECOMMENDED APPROVAL.

MOVED BY POWERS, SECONDED BY GOVIN

AYES: CLAIR, POWERS, MEEK, PRIVETT, NEWMAN, GOVIN, PENNINGTON,
NOBLE, LAFORGE



STAFF REPORT
The City of Oklahoma City
Planning Commission
August 10, 2023

Item No. IV. 4.

(SPUD-1546) Application by Fischkopp, LLC to rezone 2801 North Hudson Avenue from R-2 Medium-Low Density Residential, HL Historic Landmark Overlay, and UC Urban Conservation Districts to SPUD-1546 Simplified Planned Unit Development, HL Historic Landmark Overlay, and UC Urban Conservation Districts. Ward 2.

I. GENERAL INFORMATION

A. Contacts

1. Applicant/Developer Representative

Name Klaas Reimann-Philips
Company Philips Architects
Phone 405-365-1500
Email klaas@philipparchitect.com

B. Case History

This is a new application.

C. Reason for Request

The purpose of this application is to allow construction of a second duplex.

D. Existing Conditions

1. Comprehensive Plan Land Use Typology Area: Urban – Medium (UM)

UM applies to fully urbanized areas of the city, most of which were built prior to the 1960s. Developments are expected to be larger in scale and have greater intensity and mixture of uses than developments found in UL. Development within UM areas should support efficient transit usage and provide pedestrian and bicycle access to retail, services, parks, and other destinations. Priorities for the UM areas include “infill” developments on vacant lots, rehabilitation of underutilized property, and development that supports revitalization of distressed neighborhoods.

2. Size of Site: 0.16 acres

3. Zoning and Land Use

	Subject Site	North	East	South	West
Zoning	R-2/HL/UC	R-2/HL/UC	R-2/HL/UC	R-2/HL/UC	R-2/HL/UC
Land Use	Duplex	Residential	Residential	Apartments	Residential

II. SUMMARY OF SPUD APPLICATION

1. This site will be developed in accordance with the regulation of the **(R-2 “Medium Low Density Residential” District, Historic Landmark (HL) District, and the Jefferson Park Urban Conservation District (UCD)** (OKC Zoning Ordinance, 2020, as amended), except that the following restrictions will apply:

The following use(s) will be the only use(s) permitted on this site:

Single Family Residential - (59-8200.14)

Community Recreation: Property Owners Association - (59-8250.3)

Two-Family Residential - (59-8200.16)

2. **Maximum Building Height:** 35', subject to review and approval of a Certificate of Appropriateness by the Historic Preservation Commission according to the applicable Guidelines and regulations.
3. **Maximum Building Size:** Determined by setbacks, building height, and lot coverage, subject to review and approval of a Certificate of Appropriateness by the Historic Preservation Commission according to the applicable Guidelines and regulations.
4. **Maximum Number of Buildings:** Not to exceed one primary building per development parcel “A”, and one primary building per development parcel “B”; refer to SPUD Exhibits B and C for parcel locations.

May contain secondary structures (garages/sheds), subject to review and approval of a Certificate of Appropriateness by the Historic Preservation Commission according to the applicable Guidelines and regulations.
5. **Density:** Up to four dwelling units shall be permitted within the SPUD boundary.
6. **Minimum Lot Size:** 3000 sq. ft.
7. **Minimum Lot Width:** 50'
8. **Maximum Lot Coverage:** Specified per development parcel “A” and “B”; refer SPUD Exhibits B and C for parcel locations.

Development Parcel “A”: Building Coverage 40%, Lot Coverage 60%
Development Parcel “B”: Building Coverage 60%, Lot Coverage 85%

*Building Coverage considers only the footprint of the buildings, excluding covered porches. Lot Coverage considers all impervious construction including building footprint, drives, and paving.

9. Building Setback Lines

East Property Line: 20'
South Property Line: 0'
West Property Line: 0'
North Property Line: 5'
Interior Side Setback: 5'

10. Sight-proof Screening: Fences to conform with section 59-12200.3B of the Oklahoma City Municipal Code, 2020, as amended, subject to review and approval of a Certificate of Appropriateness by the Historic Preservation Commission according to the applicable Guidelines and regulations.

11. Landscaping: The subject parcel shall conform with all the Oklahoma City Municipal Code, 2020, as amended, subject to review and approval of a Certificate of Appropriateness by the Historic Preservation Commission according to the applicable Guidelines and regulations.

12. Signs: The subject parcel shall conform with all the Oklahoma City Municipal Code, 2020, as amended, subject to review and approval of a Certificate of Appropriateness by the Historic Preservation Commission according to the applicable Guidelines and regulations.

13. Access: The subject parcel may take access from NW 27th Street

14. Sidewalks: Sidewalks are required and shall be maintained or repaired as needed to comply with City Regulations, and shall be subject to review and approval of a Certificate of Appropriateness by the Historic Preservation Commission according to the applicable Guidelines and regulations.

II. Other Development Regulations:

1. Parking: No off-street parking minimums required for this parcel. Should off-street parking be developed such parking shall comply with City Regulations and be subject to review and approval of a Certificate of Appropriateness by the Historic Preservation Commission according to the applicable Guidelines and regulations.

2. **Architecture:** All new construction or alterations to existing structures shall be subject to review and approval of a Certificate of Appropriateness by the Historic Preservation Commission according to the applicable Guidelines and regulations.

III. Supporting Documents

Exhibit A: Legal Description

Exhibit B: Proposed Site Plan (Revised 7-14-2023)

Exhibit C: Property lines/Setbacks (Revised 7-14-2023)

III. REVIEW COMMENTS

This application was submitted to the following agencies, departments, and/or divisions for review and comment. An asterisk indicates that the agency, department, and/or division responded with no adverse comments.

A. Outside Agencies

1. **Oklahoma City-County Health Department**
2. **Oklahoma City Urban Renewal Authority (OCURA)**
3. **Oklahoma Gas and Electric (OGE)**
4. **Oklahoma Natural Gas:** Please be advised ONG has an underground or aboveground facility in the area. If you need our facilities relocated to accommodate your excavation or construction, ONG will provide you a cost estimate. Prior to excavation, please contact OKIE-ONE 1-800-522-6543 a minimum of 48 hours prior for exact location of our facilities.
5. **Oklahoma Water Resources Board (OWRB)**
6. **School District:** Oklahoma City
7. **Oklahoma Department of Transportation (ODOT)**

B. City Departments

1. **Airports**

- 2. Central Oklahoma Transportation and Parking Authority (COTPA)**
- 3. Fire***
- 4. Information Technology/Geographic Support**
- 5. Parks and Recreation**
- 6. Police**
- 7. Public Works**
 - a. Engineering**
 - b. Streets, Traffic and Drainage Maintenance**

Storm Sewer Availability

- 1) The Public Works Drainage Division staff has reviewed the subject application. All development, new construction, and/or substantial improvements planned within the proposed area shall be subject to chapter 16 of the Oklahoma City Municipal Code.
- 2) Storm sewers in accordance with the City's Drainage Ordinance will be required. Development abutting section line roads with drainage flows that exceed the capacity of OKC standard ditch detail (D-100) will necessitate the installation of enclosed storm sewer and/or concrete channel. These improvements shall be placed to provide a minimum of 35' clearance distance from the centerline of the section. Concrete channels must be entirely outside public right-of-way.
- 3) A flood and/or drainage study will be required to establish finished floor elevations, common lot areas or private drainage easements. A final plat should not be submitted until the study has been reviewed and approved by the Public Works Department.
- 4) Plans for drainage improvements within the private drainage reserves and/or common areas must be submitted for review, and payment of inspection fees shall be made prior to construction. Building permits will not be issued until construction is complete. If a subdivision abuts a stream, the private drainage easements and/or common area along stream shall extend to flow line of stream at a minimum.

- 5) Place the following note on the plat and construction plans: Maintenance of the Common Areas and/or Private Drainage Easements shall be the responsibility of the property owner. No structures, storage of material, grading, fill or other obstructions, including fences, either temporary or permanent shall be placed within the common areas and/or drainage easements shown.
- 6) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 7) Construction within the limits of this SPUD will require an erosion control plan in accordance with EPA Storm Water Discharge permitting: CFR Vol. 57, No. 175, September 9, 1992. A copy of the EPA Notice of Intent (NOI) will be required prior to the issuance of work orders or permits for construction activities disturbing an area of 1/2 acre or greater.
- 8) Sidewalk shall be installed for all new construction and/or at the time of a residential use to a more intense use on all lots having frontage on public streets classified as a major or minor arterial.
- 9) All private roads /streets will have private storm sewer systems.
- 10) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.
- 11) Replace Section I.14 as shown: Upon issuance of a building permit for modification of any portion of a building located within this SPUD, sidewalks within this SPUD shall be provided in accordance with the City of Oklahoma City Municipal Code and ADA requirements that are in effect at the time of construction."
- 12) Section 8.10(a) Drainage regulations with: The proposed development will comply with the current City of Oklahoma City Drainage ordinance as amended.

c. Stormwater Quality Management

d. Traffic Management*

2. Utilities

a. Engineering

Paving

Wastewater Availability

An existing 8-IN wastewater main(s) is located adjacent to the subject site(s).

- 1) Line capacity is not guaranteed and must be checked by the Engineer of Record and reviewed by the City.
- 2) The developer will be required to extend the City wastewater collection system to and across each lot or site within the subdivision in accordance with the City Standard Specifications and Private Development Design Manual.
- 3) Minimum ten (10) feet horizontal separation is required from water mains and five (5) feet for other utilities. Minimum two (2) feet vertical separation required for all crossings. All wastewater mains must have a minimum cover of four (4) feet and depth no greater than eighteen (18) feet. Developer is responsible for remediating any failure to maintain the minimum four (4) feet of cover.
- 4) Wastewater main(s) must be centrally located in a twenty (20) feet wide easement or larger if necessary. No trees, signs, dumpster, fence, and/or structures shall be permitted over any proposed or existing utility main. An approved revocable permit must be obtained to have any private improvement located within any utility easement and/or right-of-way.
- 5) All existing unused private wastewater service connections must be abandoned and capped at the main in accordance with City Standard Specifications and Private Development Design Manual.
- 6) UTILITY EASEMENT WILL BE PRIVATE. EACH BUILDING SHALL HAVE SEPARATE SEWER CONNECTIONS TO THE MAIN.

b. Solid Waste Management

- 1) The City can provide service, providing there is sufficient space for the truck to maneuver to service the addition.
- 2) The City cannot provide service, contact private hauler.
- 3) The City can provide service for up to 3 units on a single water meter. Any more than 3 units on the same meter will have to be serviced by a private hauler. A dumpster could be utilized provided there is not enough frontage space for cart placement.

- 4) The City can provide solid waste collection services to commercial customers providing refuse is not excess of 270 gallons per customer per pick up § 49-30 (a). Otherwise the customer will have to utilize a private hauler for dumpster service. No service will be provided for waste deemed uncollectable per ordinance § 49-21.(17). The City can also service residential customers providing there is sufficient space for the truck to maneuver to service the addition.
- 5) A Turn around must be provided at the end of the street, otherwise, a carts must be set out at current turnaround for pickup.

a. Water/Wastewater Quality

Water Availability

- 1) An existing 6-IN water main(s) is located adjacent to the subject site(s).
- 2) Minimum ten (10) feet horizontal separation required from wastewater mains and five (5) feet for other utilities. Minimum two (2) foot vertical separation required for all utility crossings. All water mains must have a minimum cover of five (5) feet along section line roads and four (4) feet elsewhere.
- 3) Proposed and/or existing water mains must be located centrally within a twenty (20) feet wide or larger utility easement or right-of-way. No trees, signs, dumpster, fence, and/or structures shall be permitted over any proposed or existing utility main. An approved revocable permit must be obtained to have any private improvement located within any utility easement and/or right-of-way.
- 4) Dead-end water mains must be avoided when possible. All existing unused water services must be capped and abandoned at the water main in accordance with the City Standard Specifications.
- 5) In accordance with ODEQ regulations, the City provides water at a minimum pressure of 25 psi. The developer is responsible for designing and construction of all fixtures to provide adequate domestic and fire protection under
- 6) minimum pressure conditions. The developer will be responsible for any failure of domestic or fire protection systems which require water pressure more than 25 psi. The developer is responsible for installing pressure reducers if necessary for protection of developer's service lines, plumbing, and fixtures.
- 7) All existing and/or proposed water meters must be located in the right-of-way and/or utility easement within grassy areas outside of sidewalks, driveways, streets, and paving.

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- 8) All domestic and fire suppression services must have a separate water service connection. Fire hydrant spacing shall not exceed 500 feet and must be located within ten (10) of a hard surface (i.e. sidewalk, street, paving).
- 9) Supply capacity for development is not guaranteed and will be reviewed at time of review of construction documents.
- 10) EACH STRUCTURE WILL HAVE SEPARATE METERS. METERS WILL BE LOCATED ALONG NW 27TH STREET IN THE RIGHT OF WAY.

9. Planning

a. Comprehensive Plan Considerations

1) LUTA Development Policies:

Site Design:

- Maintain historical lot and block sizes where possible and appropriate.
- Utilize Best Management Practices (BMP) for stormwater.

Location:

- Mixture of density, lot size and building scale is appropriate as long as land use compatibility is achieved.

Density: The Urban Medium Intensity LUTA outlines a density range of 10 to 40 dwelling units per acre.

National, state, and local permitting require basic best management practices for stormwater management. The SPUD is requested to facilitate the construction of a second duplex at the west end of the property. The proposed four units over 0.16 acres would be a density of 25 du/acre. The subject site would remain within the Historic Landmark Overlay District and new construction would be subject to review by the HP Commission.

Automobile Connectivity:

- Maintain and enhance the connectivity of the street network.

The subject site currently has one drive from NW 27th Street. The SPUD regulations allow for the continued use of this access. No access along N Hudson Avenue is requested, but any new driveway would be subject to review by the HP Commission.

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses.

Sidewalks are available along both frontages and are required by the SPUD regulations.

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories.

When locating the proposes uses adjacent to existing Low Intensity Residential, “Building Scale and Site Design is a potential compatibility issue identified by the comprehensive plan. Projects in higher intensity LUTAs (UM) may be more appropriate for significant transitions of density, scale and mass.

Building Scale and Site Design: The comprehensive plan calls for mitigation measures for new projects if the setbacks are significantly deeper or more shallow than the predominant character of adjacent development; the building’s orientation to the street differs from the predominant character of adjacent development; building size or street frontage dramatically differs from that of adjacent uses, the lot coverage (including buildings and paved areas) dramatically exceeds that of adjacent uses, or if buildings within 40 ft. of a single-family residential structure exceed a 3:1 ratio in height. *The SPUD would allow a new duplex in a historic district. The SPUD maintains all HL regulations, guidelines, and design review processes. No compatibility issues were identified.*

- 3) **Service Efficiency:**
 - Water: *Served*
 - Sewer: *Fully Served*
 - Fire Service: *Urban Service Level*
- 4) **Environmentally Sensitive Areas:** No ESAs were identified on the site.
- 5) **Transportation System:** This site is located at the northwest corner of N Hudson Avenue and NW 27th Street, both Neighborhood Streets in the Urban Medium LUTA. The nearest transit (bus) service is located south of the subject site, along NW 23rd Street.
- 6) **Other Development Related Policies**
 - Support diversity and integration of housing unit types and sizes in all land use typology areas in order to meet the diverse needs of households of different sizes, generational needs, incomes, and preferences. (SU-4)
 - Encourage redevelopment and infill development on vacant, underutilized, and brownfield sites in urbanized areas. (SU-19)
 - Require sidewalks on both sides of all streets in urban LUTAs. (C-7)
 - Maintain existing alleys or construct new alleys where feasible to provide trash collection service and parking behind primary buildings and minimize curb cuts along the primary street frontage. (C-8)
 - Share parking between contiguous developments. (C-31)
 - Support and incentivize the adaptive use of existing buildings, infill development, and brownfield development. (G-10)
 - Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)

- Protect the unique character of National Register-listed properties or districts and local Historic Districts and ensure that development and redevelopment is compatible with historic resources and character. (E-29)

b. Plan Conformance Considerations

The subject site is located on the northwest corner of N Hudson Avenue and NW 27th Street. The site is developed with a duplex that faces N Hudson Avenue. The subject site is zoned R-2, Historic Landmark (Jefferson Park HL Overlay) and Jefferson Park UCD Overlay. North, east, and west of the subject site are zoned R-2 and primarily developed with single-family homes. South of the site, across NW 27th Street, is an apartment building zoned R-2. Right-of-way abutting the subject site on the west was previously closed (CE-501). The SPUD is requested to allow a second duplex and would retain all aspects of the HL and UCD overlay regulations, including the requirement for design review and approval by the Historic Preservation Commission.

The SPUD application is subject to review by the Historic Preservation Commission. On August 3, 2023, the HP Commission recommended approval to the Planning Commission (8-0) with the following findings and conditions:

Findings:

1. That the proposed SPUD retains the requirements and provisions of the HL zoning district, will require review and approval for any changes to the site or to the exterior of any structures in the form of a Certificate of Appropriateness, and will not allow work that detracts from the architectural character of the property or district;
2. That the proposed SPUD incorporates uses that are compatible with the character of the property and surrounding district;
3. That the proposed SPUD varies minimum lot sizes, widths and setbacks from the existing zoning in a manner that is generally consistent with the established character of the surrounding district and with relevant Guidelines for HP and HL districts as adopted within the Municipal Code;
4. That the proposed SPUD allows a density that is inconsistent with the density allowed by the current zoning but that is typical of the immediate surrounding development pattern;
5. That the proposed SPUD includes provisions for lot coverage and open space that exceed what is allowed by the current zoning and that, for Parcel B, may create the potential to substantially alter the built-to-open-space ratio at the site;
6. That the proposed SPUD eliminates parking minimums while increasing the number of dwelling units at the site.

Conditions:

1. That the requirement for the number of buildings be modified to make clear that no more than one primary building is allowed per lot, if the SPUD area is split;
2. That the SPUD be modified to clarify that if parking is installed, it will comply with applicable requirements;
3. That if parking requirements are to be incorporated into the SPUD, all parking should be appropriately located to minimize impact upon the historic structure and district.

The Master Design Statement has been modified to incorporate the conditions recommended by the Historic Preservation Commission.

IV. STAFF RECOMMENDATION

Staff recommendations are advisory only and do not constitute Planning Commission decisions. Staff recommendations are based on a technical evaluation of information submitted at the time of review. Determination of conformance with policies contained in the comprehensive plan is the purview of the Planning Commission. Planning Commission decisions require a vote of five members to approve or deny an item. The Planning Commission may consider in its decision-making process any additional relevant information presented at the public hearing by the public, applicant, and/or City departments.

Approval of the application

All Engineering Division and Water/Wastewater Utilities Division requirements must be met. Additional changes to the SPUD may be required during either Divisions review of construction plans and prior to City Council approval.

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Case No: SPUD-1546 Applicant: Fischkopp, LLC
Existing Zoning: R-2 / HL / UCD
Location: 2801 N. Hudson Ave.

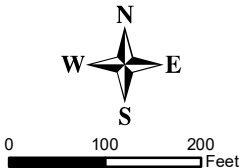


Note: "Subject" is located approximately 1,545' North of NW 23rd St.

Simplified Planned Unit Development



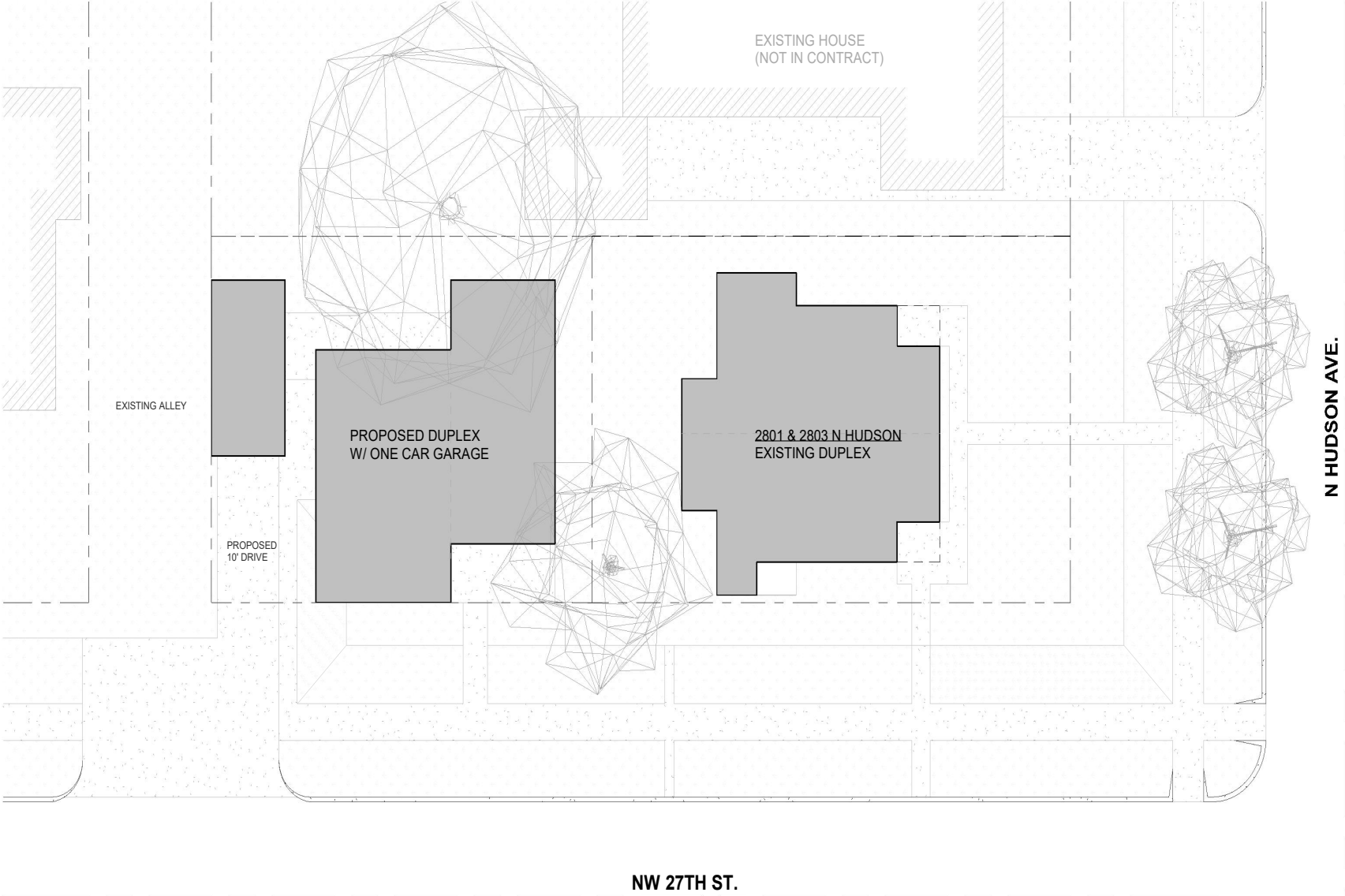
The City of
OKLAHOMA CITY



SPUD-0000 (TBD)

EXHIBIT B:
PROPOSED SITE PLAN

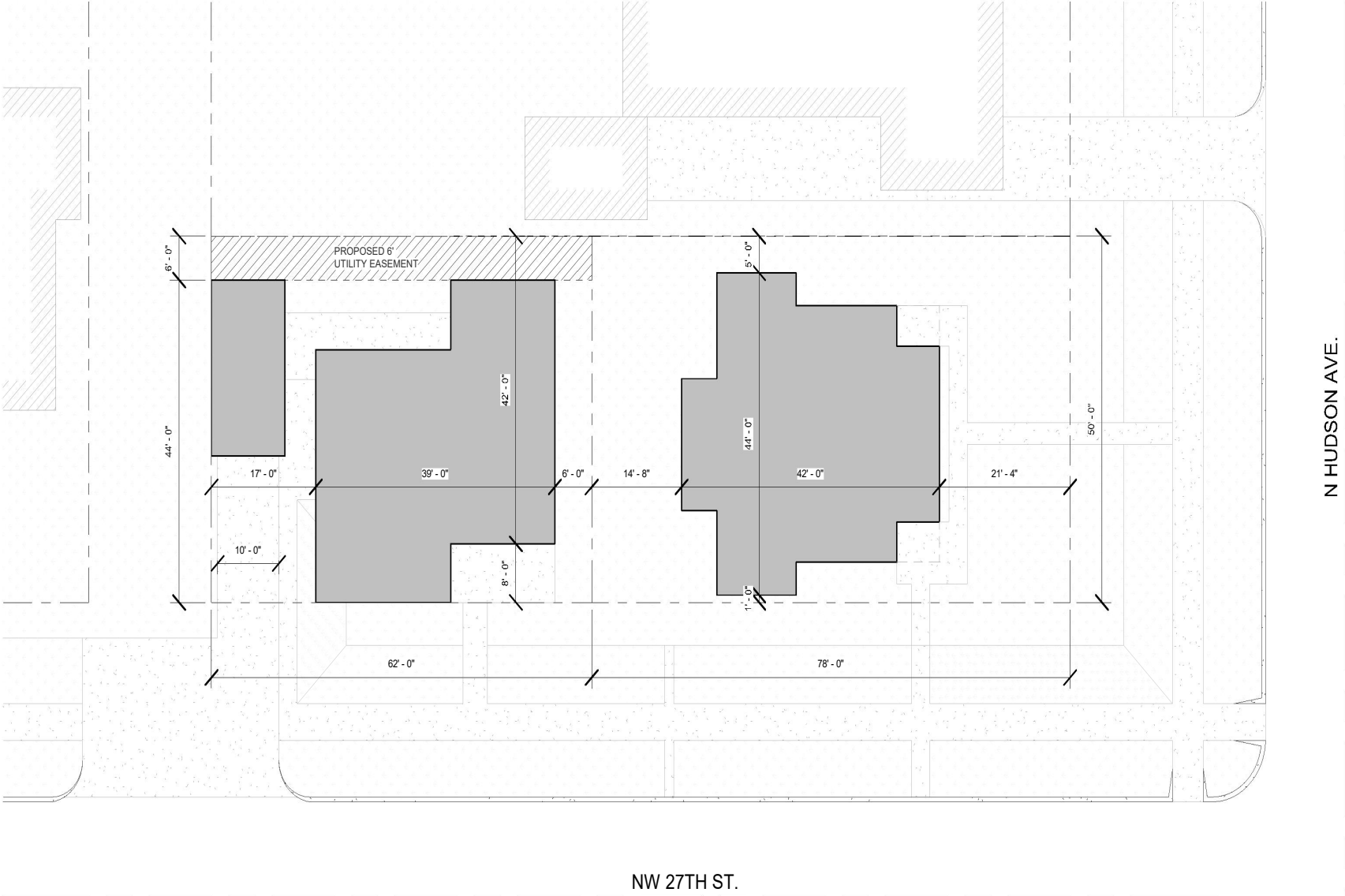
DATE ISSUED:
06.15.2023



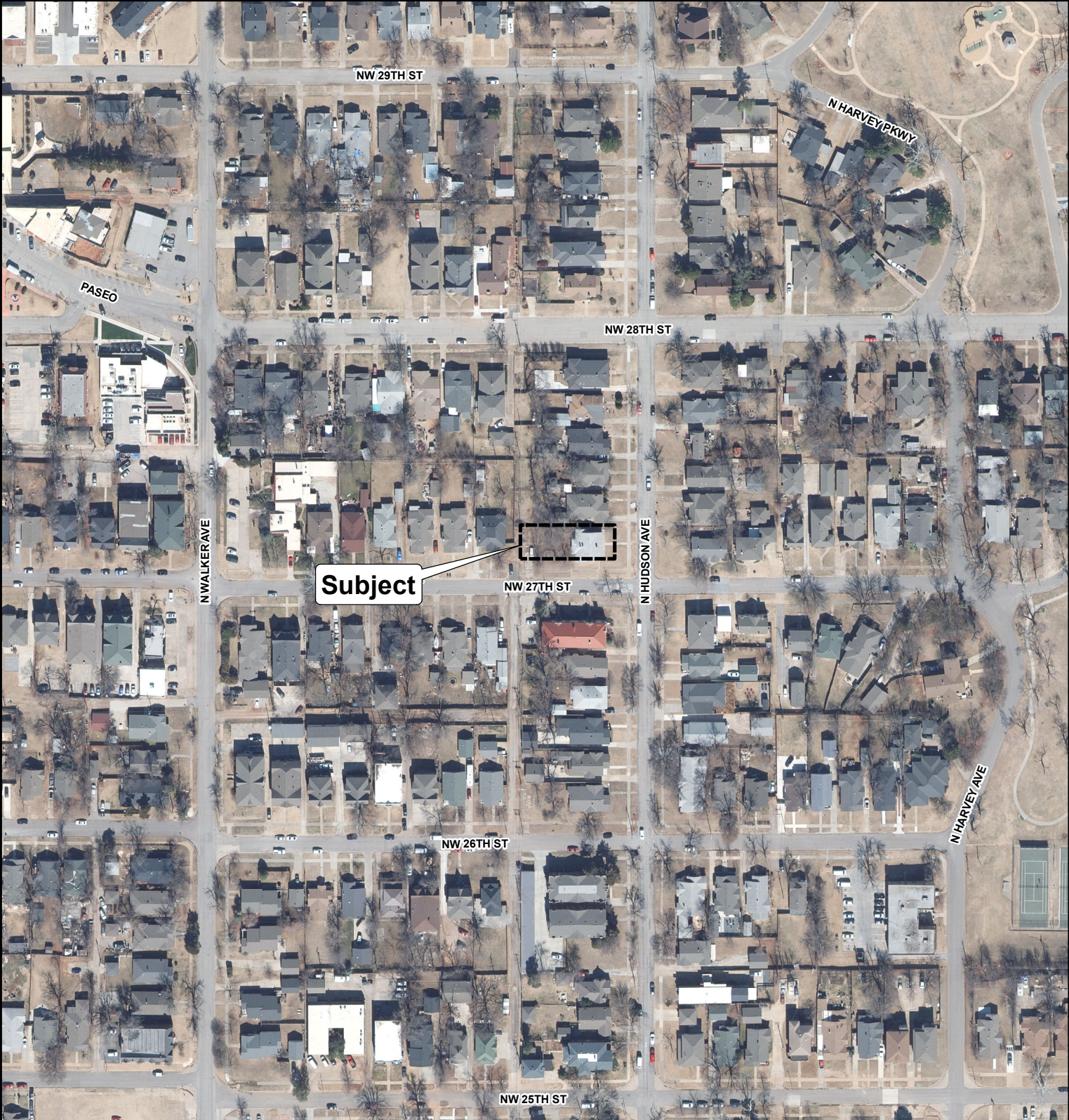
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EXHIBIT C:
PROPERTY LINES/SETBACKS

DATE ISSUED:
06.15.2023



Case No: SPUD-1546 Applicant: Fischkopp, LLC
Existing Zoning: R-2 / HL / UCD
Location: 2801 N. Hudson Ave.



Aerial Photo from 2/2020

Note: "Subject" is located approximately 1,545' North of NW 23rd St.



The City of
OKLAHOMA CITY

Simplified Planned Unit Development

